

Senate Study Bill 3039 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
CORRECTIONS BILL)

A BILL FOR

1 An Act relating to the violator facility established within the
2 department of corrections.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 901B.1, subsection 4, paragraph a, Code
2 2009, is amended to read as follows:

3 a. The district department of correctional services shall
4 place an individual committed to it under section 907.3 to the
5 sanction and level of supervision which is appropriate to the
6 individual based upon a current risk assessment evaluation.
7 Placements may be to levels two and three of the corrections
8 continuum. The district department may, with the approval of
9 the Iowa department of public health and the department of
10 corrections, place an individual in a level three substance
11 abuse treatment facility established pursuant to section
12 135.130, to assist the individual in complying with a condition
13 of probation. ~~The district department may, with the approval~~
14 ~~of the department of corrections, place an individual in a~~
15 ~~level four violator facility established pursuant to section~~
16 ~~904.207 only as a penalty for a violation of a condition~~
17 ~~imposed under this section.~~

18 Sec. 2. Section 904.206, Code 2009, is amended to read as
19 follows:

20 **904.206 Newton correctional facility.**

21 The correctional facility at Newton shall be utilized as
22 a correctional facility. The facility shall include minimum
23 security facilities ~~and violator facilities pursuant to section~~
24 ~~904.207.~~

25 Sec. 3. Section 906.1, unnumbered paragraph 3, Code 2009, is
26 amended by striking the unnumbered paragraph.

27 Sec. 4. Section 908.9, Code 2009, is amended to read as
28 follows:

29 **908.9 Disposition of violator.**

30 If the parole of a parole violator is revoked, the
31 violator shall remain in the custody of the Iowa department
32 of corrections under the terms of the parolee's original
33 commitment. If the parole of a parole violator is not revoked,
34 the parole revocation officer or board panel shall order the
35 person's release subject to the terms of the person's parole

1 with any modifications that the parole revocation officer or
2 board panel determines proper, ~~or may order that the violator~~
3 ~~be placed in a violator facility, established pursuant to~~
4 ~~section 904.207, if the parole revocation officer or board~~
5 ~~panel determines that placement in a violator facility is~~
6 necessary.

7 Sec. 5. Section 908.11, subsection 4, Code 2009, is amended
8 to read as follows:

9 4. If the violation is established, the court may continue
10 the probation or youthful offender status with or without
11 an alteration of the conditions of probation or a youthful
12 offender status. If the defendant is an adult or a youthful
13 offender the court may hold the defendant in contempt of court
14 and sentence the defendant to a jail term while continuing the
15 probation or youthful offender status, ~~order the defendant~~
16 ~~to be placed in a violator facility established pursuant to~~
17 ~~section 904.207 while continuing the probation or youthful~~
18 ~~offender status,~~ or revoke the probation or youthful offender
19 status and require the defendant to serve the sentence imposed
20 or any lesser sentence, and, if imposition of sentence was
21 deferred, may impose any sentence which might originally have
22 been imposed.

23 Sec. 6. REPEAL. Section 904.207, Code 2009, is repealed.

24 EXPLANATION

25 This bill relates to the violator facility established
26 within the department of corrections.

27 The bill repeals Code section 904.207 which establishes the
28 violator facility within the department of corrections. The
29 bill also strikes provisions and internal references in the
30 Code related to the violator facility.

31 The violator facility is a facility established for the
32 temporary confinement of defendants who violate conditions of
33 probation or parole.